

CHAPTER TWO VIOLATORS

VIOLATIONS RESULTING IN INCARCERATION

Violators are classified in two ways. Offenders on some form of supervision who commit an offense for which they receive a new sentence are defined as “violators with new sentences.” Offenders who are on probation, parole/postrelease supervision, who violate the conditions of their supervision but do not receive a new sentence are defined as “condition violators.” Both types of violations can result in revocation and subsequently, incarceration. This section presents an overview of both types of violators whose revocations resulted in incarceration. Violators with or without new convictions who continue on probation will be discussed after this section.

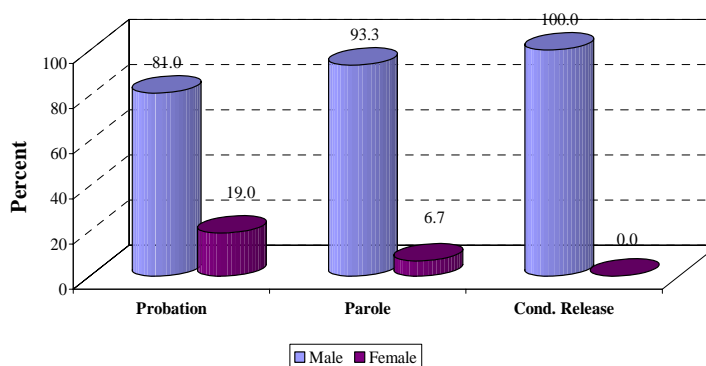
Condition violators alone accounted for 68.3% of all admissions to prison in FY 2005. Characteristics of condition violators by gender, race, and age are shown in Figures 26, 27, and 28.

Overview of Condition Violators

Violators analyzed in this section include offenders classified as probation, parole/postrelease supervision and conditional release condition violators. For the purpose of discussion, the term “condition violator” is defined as an offender who violates the conditions of his/her probation, parole, postrelease or conditional release that does not result in a conviction for a new criminal offense but results in a revocation and subsequent placement of the offender in a state correctional facility.

During FY 2005, a total number of 3,921 condition violators were incarcerated for their violation of conditions, representing 1,783 probation violators, 2,109 parole/postrelease supervision violators, and 29 conditional release violators respectively.

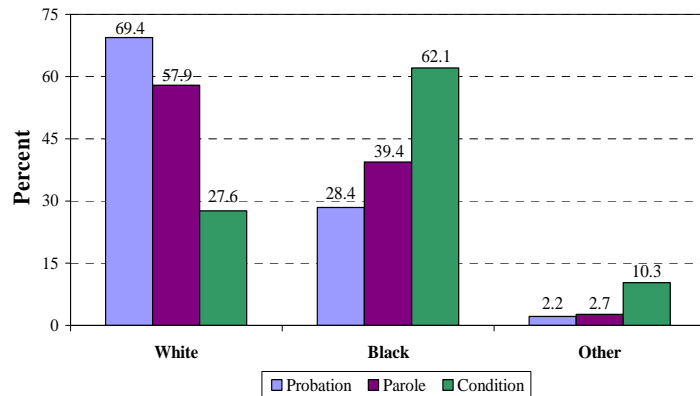
**Figure 26: Distribution of FY 2005
Condition Violators by Gender**



Based on 1,783 probation violators, 2,109 parole release violators and 29 conditional release violators.

White males represented the highest percentages of probation violators and parole/postrelease supervision violators, while black males accounted for the highest rate of conditional release violators (Figures 26 and 27).

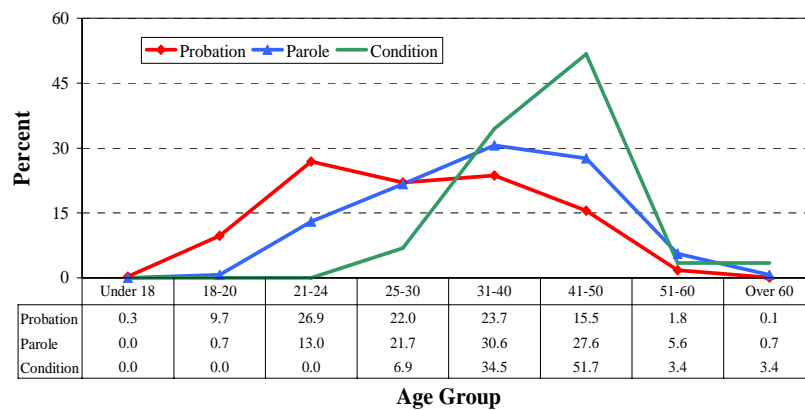
Figure 27: Distribution of FY 2005 Condition Violators by Race



Based on 1,782 probation violators, 2,109 parole release violators and 29 conditional release violators

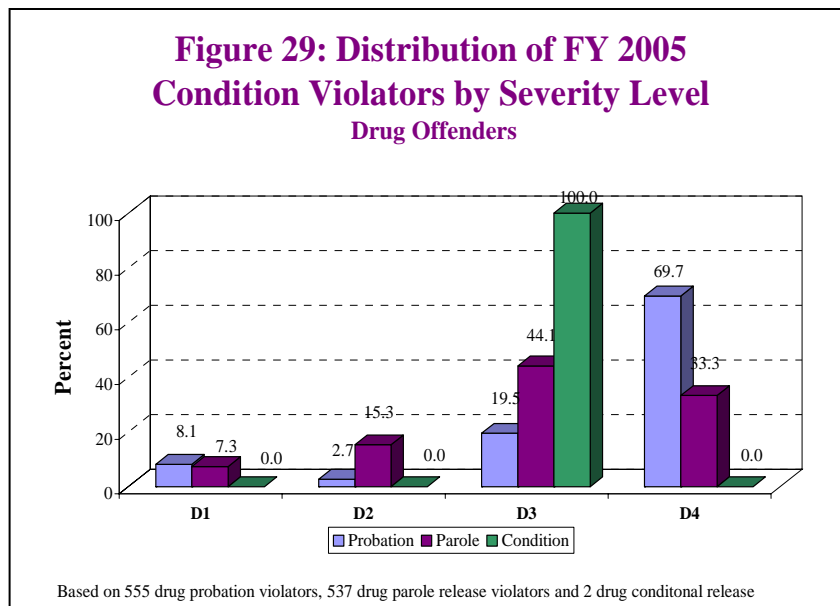
The largest number of probation violators were found to be in the age group ranging from 21 to 24 (26.9%), most parole violators were in their thirties (30.6%) and conditional release violators in their forties accounted for the highest rate (51.7%) at the time of admission to prison (Figure 28).

Figure 28: Distribution of FY 2005 Condition Violators by Age Group



Based on 1,783 probation violators, 2,109 parole release violators and 29 conditional release

The characteristics of all violators by severity level are illustrated in Figures 29 and 30. The largest proportion of drug probation violators was identified at drug severity level 4 (69.7%, 387 offenders) and the highest percentage of drug parole release violators fell on drug severity level 3 (44.1%, 237 offenders). Drug conditional release violators were all found at drug severity level 3, as well (Figure 29).



The largest number of nondrug probation violators fell on nondrug severity level 9 (29.8%, 365 offenders). Nondrug parole/postrelease violators and conditional release violators represented the highest rates at nondrug severity level 3 (19.4%, 305 offenders and 59.3%, 16 offenders, respectively, Figure 30).

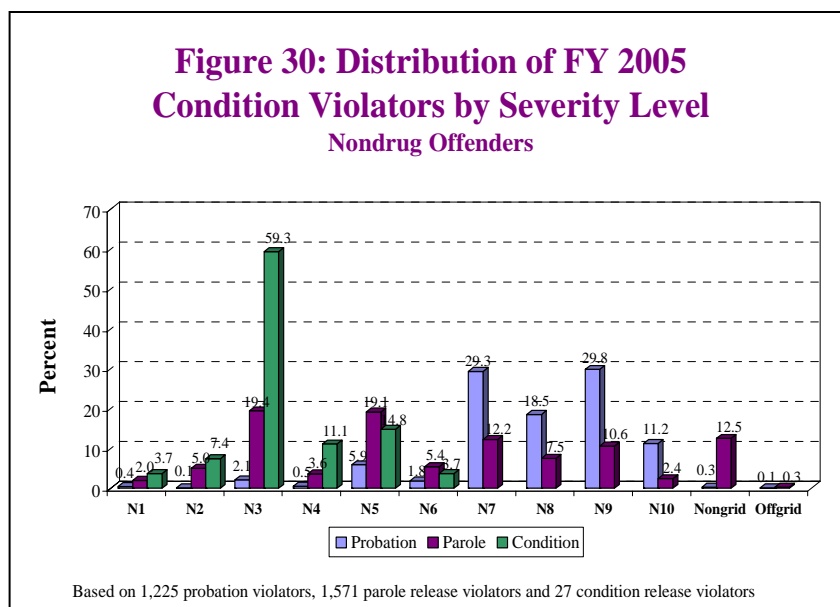


Table 13 describes the characteristics of all types of condition violators by severity level, gender and race. The largest numbers for males were found at nondrug severity level 7 (503 sentences) and drug severity level 4 (439 sentences). However, the highest frequencies of females fell on nondrug severity level 8 (96 sentences) and drug severity level 4 (127 sentences). These gender characteristics by severity level have not changed much compared with those of

the previous year. Nondrug level 7 and drug level 4 represented the largest numbers of violators for both whites and blacks, which is consistent with the distribution of FY 2004. White offenders accounted for 363 sentences at nondrug level 7 and 374 sentences at drug level 4, while black offenders made up 177 sentences at nondrug level 7 and 177 sentences at drug level 4. The average age of the violators at admission was 33.8 years old.

Table 13: Characteristics of Overall Violators by Severity Level, Race and Gender

Severity Level	Number of Cases	Gender		Race			Average Age at Admission
		Male	Female	White	Black	Other	
D1	84	68	16	72	11	1	35.3
D2	97	80	17	58	36	3	38.0
D3	347	301	46	197	142	8	32.5
D4	566	439	127	374	177	15	33.3
N1	38	37	1	16	20	2	41.6
N2	82	82	0	44	35	3	40.2
N3	347	341	6	186	149	12	36.6
N4	66	63	3	26	36	4	37.1
N5	376	350	26	193	177	6	32.9
N6	108	102	6	72	33	3	32.4
N7	550	503	47	363	177	10	31.0
N8	345	249	96	212	127	6	33.3
N9	531	477	54	357	154	20	31.4
N10	174	150	24	109	61	4	33.3
Offgrid	6	6	0	3	3	0	48.2
Nongrid	200	191	9	179	16	5	42.5
Unknown	4	2	2	4	0	0	44.3
Total	3,921	3,441	480	2,465	1,354	102	33.8

Condition Probation Violators

In FY 2005, a total number of 1,783 condition probation violators were admitted to prison, including 1,228 nondrug offenders and 555 drug offenders. The number of condition probation violators demonstrates an increase of 4.3% compared with that of FY 2004. The characteristics of this group of violators are presented in Tables 14 and 15.

Nondrug probation violators were convicted most frequently of the following ten nondrug offenses: aggravated assault, aggravated battery, aggravated indecent liberties with a child, burglary, criminal damage to property, criminal threat, fleeing or eluding LEO, forgery, robbery and theft. These top ten offenses represented 77.3% of all nondrug offenses. Burglary, forgery and theft were the three most frequently committed offenses for which there were a

large number of probation violators (Table 14).

As for drug probation violators, the analysis of drug offenses indicates that possession of drugs was the most frequent offense type for probation violators on the drug grid, accounting for 70% of all drug offenses, while the crime of opiates or narcotics 1st possession represented 58% of the total drug offenses committed by the condition probation violators (Table 15).

The average length of lag time from the age of offense to the age of admission to prison was 2.4 years for nondrug probation violators and 2.3 years for drug probation violators, which remains very close with the length of lag time of the probation violators in FY 2004. Table 16 exhibits the distribution of probation violators by severity level and criminal history.

Table 14: Top 10 Offenses Committed by Nondrug Probation Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean*	Admit Age Mean**
		Male	Female	White	Black	Other		
Aggravated Assault	66	89.4	10.6	68.2	30.3	1.5	29.5	31.7
Aggravated Battery	115	91.3	8.7	64.3	33.0	2.6	28.1	30.5
Agg Indecent Liberties w/Child	30	96.7	3.3	66.7	30.0	3.3	25.2	27.9
Burglary	231	93.1	6.9	75.3	22.5	2.2	25.7	27.8
Criminal Damage to Property	25	88.0	12.0	68.0	28.0	4.0	26.4	29.0
Criminal Threat	47	91.5	8.5	72.3	27.7	0.0	29.0	30.7
Fleeing or Eluding LEO	45	97.8	2.2	64.4	31.1	4.4	26.4	28.6
Forgery	170	55.3	44.7	65.3	32.4	2.4	30.2	32.8
Robbery	43	88.4	11.6	46.5	53.5	0.0	24.1	26.2
Theft	177	78.5	21.5	65.5	31.6	2.8	29.3	31.5
Subtotal	949	83.0	17.0	67.4	30.2	2.3	27.9	30.1
Other	279	85.7	14.3	70.6	28.3	1.1	28.2	30.7
TOTAL	1,228	83.6	16.4	68.2	29.8	2.0	27.9	30.3

* Average age at time of offense.

** Average age at time admitted to prison.

Table 15: Characteristics of Drug Probation Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Opiates or Narcotics; Poss 1	322	70.8	29.2	67.6	29.0	3.4	31.0	33.2
Opiates or Narcotics; Poss 2	13	53.8	46.2	69.2	23.1	7.7	32.2	34.6
Opiates or Narcotics; Poss 3	3	33.3	66.7	33.3	66.7	0.0	33.1	36.1
Opiates or Narcotics; Sale 1	73	79.5	20.5	72.6	26.0	1.4	28.3	30.8
Depress, Stim, Hall; Poss 2nd	50	88.0	12.0	80.0	18.0	2.0	25.5	27.6
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	33	93.9	6.1	72.7	27.3	0.0	23.1	26.1
Possession of Paraphernalia	14	92.9	7.1	85.7	14.3	0.0	29.8	32.2
Possession of Precursor Drugs	24	62.5	37.5	91.7	4.2	4.2	31.6	33.7
Unlawful Manufacture Controlled Substance	18	88.9	11.1	100.0	0.0	0.0	29.5	31.5
Other	5	80.0	20.0	60.0	40.0	0.0	22.8	24.5
TOTAL	555	75.1	24.9	71.9	25.2	2.9	29.6	31.9

Table 16: Distribution of Probation Violators by Severity Level and Criminal History*

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	0	2	3	5	3	13	8	11	45
D2	0	0	3	0	4	0	3	3	2	15
D3	1	4	5	12	15	19	11	18	23	108
D4	5	16	27	21	58	29	52	75	104	387
N1	0	0	0	1	0	0	0	1	3	5
N2	0	1	0	0	0	0	0	0	0	1
N3	0	2	2	0	2	2	2	5	11	26
N4	0	1	1	0	0	1	1	1	1	6
N5	0	0	5	4	0	3	10	20	30	72
N6	0	0	2	2	3	1	3	2	9	22
N7	8	19	51	34	49	26	39	52	79	357
N8	8	8	22	19	32	21	33	34	47	224
N9	5	8	53	22	56	31	44	61	83	363
N10	0	9	17	9	8	12	16	24	38	133
TOTAL	27	68	190	127	232	148	227	304	441	1,764

* Due to missing data, criminal history categories are based on 1,764 probation violators reporting criminal history.

Condition Parole/Postrelease Supervision Violators

Totaling 2,109, condition parole/post-release supervision violators admitted to prison contributed the largest percentage (36.7%) of all admissions to the custody of the Department of Corrections (DOC) in FY 2005. Tables 17 and 18 present the characteristics of this offender group.

The top 10 offenses most frequently committed by the nondrug parole/postrelease violators include aggravated escape from custody, aggravated battery, aggravated robbery, aggravated indecent liberties with a child, burglary, DUI, forgery, rape, robbery and theft, accounting for almost 68% of the total nondrug offenses. More than 95% of this group was males. Females represented the highest percentage (16%) for the crime of forgery. The highest percentage of whites was found in the offense categories of aggravated indecent liberties with a child,

burglary and DUI, whereas blacks indicated the highest representation in aggravated robbery and robbery (Table 17), which is consistent with the data observed in FY 2004. Drug parole/postrelease violators were convicted primarily of the crimes of possession of drugs (40%) and sale of opiates or narcotics (34.8%, Table 18).

Postrelease violators for the crime of DUI are subject to imprisonment if the offenders committed the crime on or after July 1, 2001. In FY 2005, 196 DUI violators were admitted to prison increasing by 39% compared with those in FY 2004 (Table 17).

Table 19 provides a distribution of parole/postrelease supervision violators by severity level and criminal history. The largest number of parole/postrelease supervision violators fell on severity levels 3 and 4 of the drug grid and severity levels 5 and 7 of the nondrug grid. This distribution remains constant compared with that of FY 2004.

Table 17: Top 10 Offenses Committed by Parole/Postrelease Supervision Nondrug Violators

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Agg Escape from Custody	45	86.7	13.3	53.3	40.0	6.7	30.2	36.4
Aggravated battery	115	95.7	4.3	42.6	53.0	4.3	30.1	36.1
Aggravated robbery	160	96.9	3.1	39.4	59.4	1.3	25.5	37.1
Agg Indecent Liberties w/Child	129	98.4	1.6	75.2	20.9	3.9	26.9	33.4
Burglary	123	95.9	4.1	63.4	35.0	1.6	30.4	34.4
DUI	196	95.4	4.6	89.8	7.7	2.6	40.8	42.7
Forgery	49	83.7	16.3	53.1	44.9	2.0	34.2	37.8
Rape	65	100.0	0.0	41.5	56.9	1.5	24.5	38.2
Robbery	103	91.3	8.7	33.0	65.0	2.0	26.9	35.1
Theft	82	96.3	3.7	57.3	36.6	6.1	32.5	35.5
Other	505	95.8	4.2	59.2	37.6	3.2	28.1	35.8
TOTAL	1,572	95.4	4.6	58.5	38.5	3.0	29.9	36.6

Table 18: Characteristics of Parole/Postrelease Drug Violators by Type of Offense

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Opiates or Narcotics; Poss 1	140	83.6	16.4	52.1	46.4	1.4	31.7	35.3
Opiates or Narcotics; Poss 2	37	83.8	16.2	54.1	43.2	2.7	31.7	37.4
Opiates or Narcotics; Poss 3	6	66.7	33.3	16.7	83.3	0.0	32.8	39.4
Opiates or Narcotics; Sale 1	173	87.9	12.1	45.1	53.8	1.2	28.1	34.9
Opiates or Narcotics; Sale 2	11	81.8	18.2	0.0	100.0	0.0	34.4	43.4
Opiates or Narcotics; Sale 3	3	66.7	33.3	100.0	0.0	0.0	30.2	28.3
Opiates/Narcotics, Depress, Stim, Hall; Sale w/in 1,000 ft of School	19	84.2	15.8	63.2	31.6	5.3	30.4	37.0
Depress, Stim, Hall; Poss 2	32	93.8	6.2	75.0	25.0	0.0	29.0	34.0
Depress, Stim, Hall, etc.; Sale, Poss w/Intent to Sale	65	87.7	12.3	60.0	32.3	7.7	24.5	30.9
Possession of Paraphernalia	7	100.0	0.0	100.0	0.0	0.0	30.9	34.2
Possession of Precursor Drugs	8	100.0	0.0	100.0	0.0	0.0	29.7	33.4
Unlawful Manufacture Controlled Substance	36	100.0	0.0	100.0	0.0	0.0	35.6	40.8
TOTAL	537	87.3	12.7	56.1	41.9	2.0	29.8	35.3

Table 19: Distribution of Parole/Postrelease Supervision Violators by Severity Level and Criminal History*

Severity Level	Criminal History Category									Subtotal
	A	B	C	D	E	F	G	H	I	
D1	0	1	2	2	6	9	12	1	3	36
D2	4	4	10	3	16	10	19	7	4	77
D3	11	13	20	12	26	17	26	35	29	189
D4	11	20	46	13	43	17	9	4	12	175
N1	0	2	0	2	1	2	1	0	2	10
N2	2	0	1	0	0	1	3	5	7	19
N3	2	2	25	21	24	8	17	8	52	159
N4	2	2	7	6	1	0	7	1	14	40
N5	7	11	50	27	24	12	28	44	48	251
N6	2	11	21	5	3	8	4	3	17	74
N7	30	30	38	11	28	16	14	9	5	181
N8	14	26	25	3	30	7	4	3	5	117
N9	35	52	25	4	28	5	7	7	3	166
N10	7	19	2	1	1	1	5	1	0	37
TOTAL	127	193	272	110	231	113	156	128	201	1,531

* Due to missing data, criminal history categories are based on 1,531 violators reporting criminal history.

Conditional Release Violators

The smallest group of condition violators admitted to DOC was conditional release violators, representing only 0.5% (29 offenders) of the total admissions in FY 2005 (Figure 29). In examining offense types, the analysis demonstrates that robbery including aggravated robbery represented 41.4% of the conditional release violators. Sex offenders accounted for 24.1% of the

crimes committed by the conditional release violators. Table 20 presents the characteristics of conditional release violators. All violators were males in this group, which is the same with the sentencing data of FY 2004. Black offenders represented more than 62% and white offenders represented 27.6% of this type of violators. The average age of conditional release violators was 41.2 at the time of admission.

Conditional release violators decreased by 25.6% when compared with that in FY 2004 (39 offenders) and decreased by 73.4% compared with the number in FY 2001 (109 offenders). Conditional release violators are governed by pre-guideline sentences, therefore, this group of violators will eventually be out of the prison system.

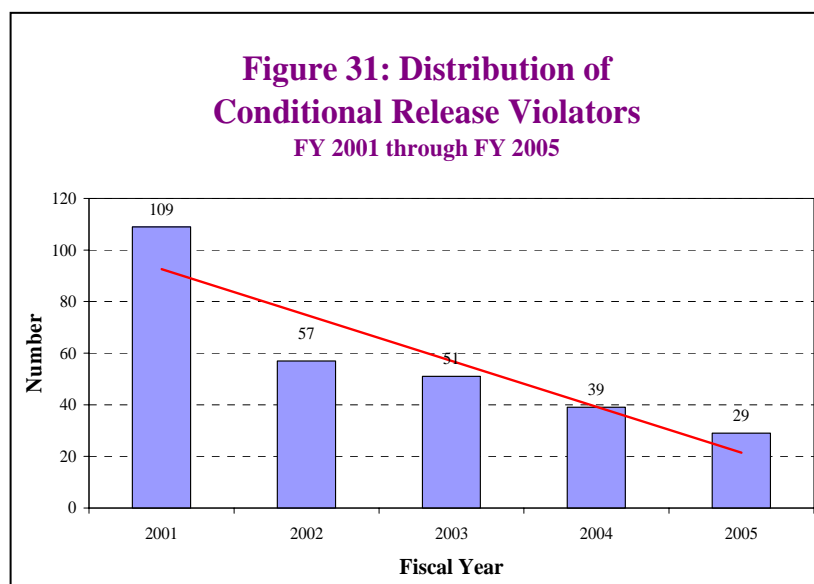


Table 20: Offenses Most Frequently Committed by Conditional Release Violators
Nondrug and Drug Offenders

Offense Type	Number of Cases	Gender (%)		Race (%)			Offense Age Mean	Admit Age Mean
		Male	Female	White	Black	Other		
Aggravated Battery	3	100.0		66.7		33.3	30.8	43.6
Agg. Robbery/Robbery	12	100.0		8.3	91.7		25.0	41.0
Voluntary Manslaughter	3	100.0		66.7	33.3		23.6	44.9
Sex Offenses	7	100.0		57.1	14.3	28.6	24.7	37.9
Drug	2	100.0		50.0	50.0		29.1	43.1
Other	2	100.0			100.0		21.4	43.6
TOTAL	29	100.0		27.6	62.1	10.3	25.4	41.2

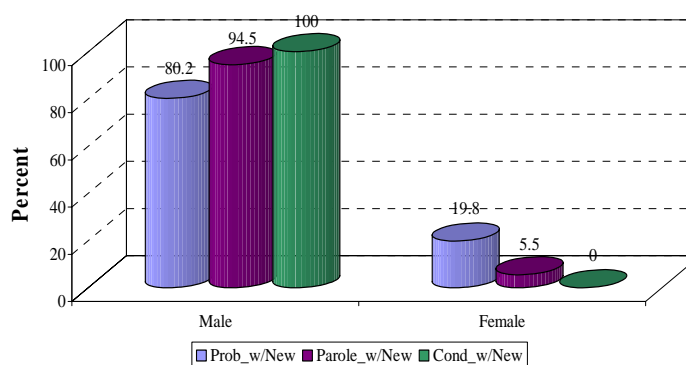
Violators with New Sentences

Violators with new sentences analyzed in this section include probation, parole/postrelease and conditional release violators convicted of an offense for which they received a new sentence. This group represented 5% (292 violators) of the total prison admissions in FY 2005, indicating no percentage change compared with that of FY 2004. Characteristics of this group are depicted in Figures 32, 33 and 34. Drugs (35%), forgery (5.6%) and theft (5.6%) were the major committing offense categories for probation violators with new convictions. Drugs (27.6%), aggravated robbery/robbery (11.7%) and aggravated burglary/burglary (10.4%) represented the top committing

offenses for parole/postrelease violators with new sentences. There were only three conditional release violators with new sentences who committed the crimes of aggravated robbery, burglary and voluntary manslaughter. Table 21 illustrates the distribution of the above offenders by severity levels. The largest numbers of probation violators with new sentences fell at nondrug severity level 7 (22 violators) and drug severity level 4 (30 violators), while nondrug severity level 3 (15.3%) and drug severity level 4 (9.8%) represented the highest percentages of parole/postrelease violators with new sentences. The conditional release violators with new sentences in FY 2005 were all nondrug offenders at severity levels 3 and 7.

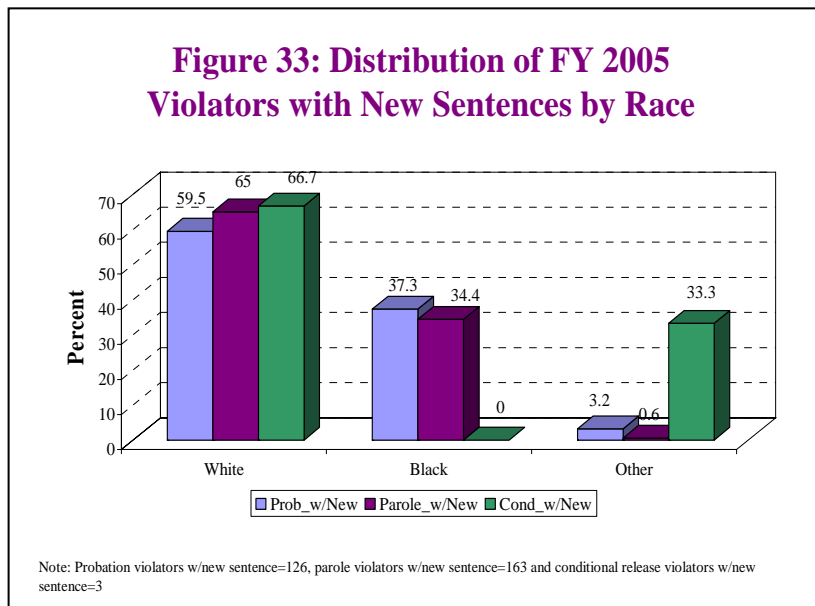
Males were obviously the predominant gender of all the three types of violators with new sentences, which is consistent with those of previous years (Figure 32).

Figure 32: Distribution of FY 2005 Violators with New Sentences by Gender

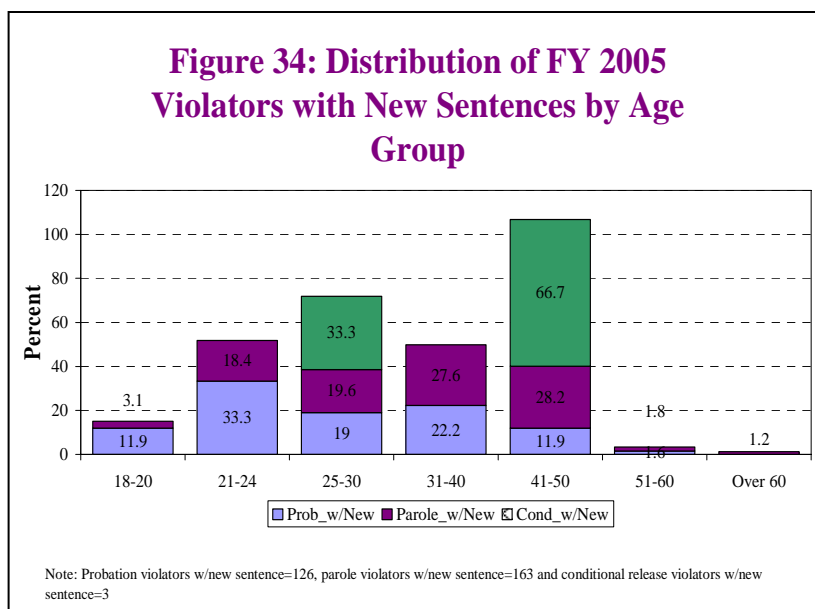


Note: Probation violators w/new sentence=126, parole violators w/new sentence=163 and conditional release violators w/new sentence=3

White offenders accounted for the largest number of the three types of violators with new sentences, representing 59.5% of probation violators with new sentences, 65% of parole/postrelease violators with new sentences and 66.7% of conditional release violators with new sentences (Figure 33).



The highest percentage of probation violators (33.3%) were found in the age group from 21 to 24 at the time of admission to prison, while most of parole/post-release violators (28.2%) and conditional release violators with new sentences (66.7%) represented the largest proportion in the age group between 41 and 50 (Figure 34).



**Table 21: Distribution of FY 2005 Violators with New Sentences
by Severity Level**

Severity Level	Probation		Parole/Postrelease		Conditional Release	
	N	%	N	%	N	%
D1	8	6.3	8	4.9	0	0.0
D2	3	2.4	9	5.5	0	0.0
D3	3	2.4	12	7.4	0	0.0
D4	30	23.8	16	9.8	0	0.0
N1	0	0.0	2	1.2	0	0.0
N2	1	0.8	4	2.5	0	0.0
N3	6	4.8	25	15.3	2	66.7
N4	3	2.4	4	2.5	0	0.0
N5	10	7.9	19	11.7	0	0.0
N6	6	4.8	10	6.1	0	0.0
N7	22	17.5	19	11.7	1	33.3
N8	20	15.8	9	5.5	0	0.0
N9	14	11.1	17	10.4	0	0.0
N10	0	0.0	5	3.1	0	0.0
Offgrid	0	0.0	3	1.8	0	0.0
Nongrid	0	0.0	1	0.6	0	0.0
TOTAL	126	100.0	163	100.0	3	100.0

VIOLATORS CONTINUING AND EXTENDING ON PROBATION

Violators continued or extended on probation refer to probation violators with or without new convictions, whose violations did not result in incarceration but rather a continuation or an extension of the probation. In FY 2005, there were 2,503 condition probation violators and 154 probation violators with new convictions who were continued or extended on probation, representing 53.3% of the total number of 4,695 condition probation violators and 33% of the total number of 467

probation violators with new offenses, respectively. Drugs (32.5%), burglary (11.8%), forgery (11.5%), theft (9.7) and DUI (6.1%) were the top five committing offenses for the group of condition probation violators. Drugs (36.4%), burglary (14.3%) and forgery (14.9%) were the top three committing offenses for probation violators with new convictions. Most top committing offenses for both groups were the same with those of FY 2004. Tables 22 and 23 display criminal history by severity levels of the two types of violators who were sentenced to continued or extended probation.

Table 22: Criminal History by Severity Levels of Condition Probation Violators Continuing and Extending on Probation

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	39	0	0	4	1	6	2	2	7	17
D2	19	1	0	3	2	3	3	1	2	4
D3	179	2	0	4	8	17	18	31	27	71
D4	577	13	11	37	20	48	48	109	124	165
N1	1	0	0	0	0	0	0	0	0	1
N2	0	0	0	0	0	0	0	0	0	0
N3	20	0	0	4	0	0	0	0	3	13
N4	2	0	0	0	0	0	0	0	2	0
N5	64	1	1	3	2	2	0	9	19	27
N6	19	0	1	1	0	2	1	1	3	10
N7	361	1	5	36	28	30	26	52	56	125
N8	355	2	7	39	23	43	30	45	56	109
N9	515	6	12	69	42	69	44	64	61	146
N10	195	3	7	17	10	25	12	30	27	64
Nongrid	157	0	0	4	0	0	4	4	6	5
TOTAL	2,503	29	44	221	136	245	188	348	393	757

Note: Criminal history classes are based on 2,361 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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Table 23: Criminal History by Severity Levels of Probation Violators with New Convictions Continuing and Extending on Probation

Severity Level	Number of Cases	Criminal History Class								
		A	B	C	D	E	F	G	H	I
D1	0	0	0	0	0	0	0	0	0	0
D2	0	0	0	0	0	0	0	0	0	0
D3	12	0	0	0	2	0	1	2	3	4
D4	44	0	2	2	1	1	3	8	13	14
N1	0	0	0	0	0	0	0	0	0	0
N2	0	0	0	0	0	0	0	0	0	0
N3	1	0	0	0	0	0	0	1	0	0
N4	0	0	0	0	0	0	0	0	0	0
N5	4	0	0	0	0	0	0	3	0	1
N6	2	0	0	0	0	1	0	0	0	1
N7	27	0	1	3	0	0	2	7	3	11
N8	34	0	0	2	2	8	1	4	4	13
N9	21	1	0	3	0	4	2	2	3	5
N10	4	0	0	0	0	1	2	1	0	0
Nongrid	5	0	0	0	0	0	0	0	0	0
TOTAL	154	1	3	10	5	15	11	28	26	49

Note: Criminal history classes are based on 148 cases reporting criminal history category.

Legend:

Presumptive Prison	Border Boxes	Presumptive Probation
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